

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

SANDRA FAY GIPSON, as Administratrix,))
and Personal Representative on Behalf of))
the Wrongful Death Beneficiaries of the))
Estate of CHARLES ELLIOT McGREW,))
Deceased))
Plaintiff))

vs.)

Civil Action No. 3:16-cv-624-DPJ-FKB

MANAGEMENT & TRAINING))
CORPORATION and JOHN and JANE))
DOES 1-100,))
Defendants))

MOTION FOR SUMMARY JUDGMENT

COMES NOW Defendant Management & Training Corporation (“MTC”), through counsel and pursuant to the Federal Rules of Civil Procedure, and moves this Court for an Order granting summary judgment. In support, MTC would show the following:

1. This is a wrongful death action based upon the murder of Charles Elliott McGrew by another inmate, Brian Bullock, at East Mississippi Correctional Facility, a prison housing prisoners in the custody of the Mississippi Department of Corrections and operated by MTC since August 2012.

2. The Plaintiff, as personal representative of the wrongful death beneficiaries of Charles Elliott McGrew, cannot succeed in demonstrating any unconstitutional policy or custom at EMCF which was the moving force behind McGrew’s death. Thus, her claims under 42 U.S.C. § 1983 fail as a matter of law. In addition, Plaintiff cannot demonstrate evidence

sufficient to demonstrate any negligence on the part of MTC, and her state law claims should be dismissed with prejudice.

4. In support of this Motion, MTC is attaching and incorporating the following exhibits:

- a. **Exhibit “A”** – Excerpts from 30(b)(6) deposition of MTC;
- b. **Exhibit “B”** – Excerpts from Deposition of Matthew Naidow;
- c. **Exhibit “C”** – Excerpts from Deposition of Brian Bullock;
- d. **Exhibit “D”** – Excerpts from Deposition of Ronald Bullock;
- e. **Exhibit “E”** – Excerpts from Brian Bullock’s MDOC File;
- f. **Exhibit “F”** – Brian Bullock’s “Drill-Down” sheet from MDOC;
- g. **Exhibit “G”** – McGrew’s Medical Records from Southern Surgery & Urology;
- h. **Exhibit “H”** – Log Books for Unit 4D on June 10, 2014;
- i. **Exhibit “I”** – MTC Incident Report.

5. In further support of this Motion, MTC is submitting its Memorandum of Authorities, in accord with the provisions of L.U. Civ. R. 7(b)(4), the contents of which are attached and incorporated into this Motion.

WHEREFORE, PREMISES CONSIDERED Defendant Management & Training Corporation respectfully requests that the Court enter an Order granting it summary judgment and dismissing all of the claims against it with prejudice. MTC requests any other relief to which it is entitled, at law or in equity.

Dated: September 21, 2017.

Respectfully submitted,

**MANAGEMENT & TRAINING
CORPORATION**

By: s/ H. Richard Davis, Jr.
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CERTIFICATE OF SERVICE

I, H. Richard Davis, Jr., one of the attorneys for Defendant Management & Training Corporation do hereby certify that I have, this day, filed the foregoing with the Clerk of Court via the CM/ECF system, which has caused a true and correct copy to be served on all counsel of record.

Dated: September 21, 2017.

s/ H. Richard Davis, Jr.
H. Richard Davis, Jr.